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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,915	11/27/2001	Marianne Hickey	1509-247	7400

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EXAMINER

REID, CHERYL M

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,915

Applicant(s)

HICKEY ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 020402.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-10, 16, and 17 have been examined.
2. Applicant's arguments concerning the correctness of the restriction/election, have been fully considered; however applicant's arguments are non-persuasive. Examiner contends that the groupings of inventions cited in the previous office action is correct and that these inventions are distinct for the reasons given in the previous office action and because the search required for each group is different and not co-extensive for examination purpose these groups would require different searches on PTO's classification class and subclass e.g. See MPEP 806.05(d).

Claim Objections

3. Claim 9 is objected to because of the following informalities: Claim 9 recites, "wherein the or each second". Examiner is assuming that applicant intended to write "wherein each second." Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-4, 5-6, 8-10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock et al hereinafter Pennock (US 6807562) and further in view of Ogdon et al hereinafter Ogdon (US 6598075).

6. In regards to claim 1, Pennock teaches of the communication is managed as a session having one or more participants with the user, via the first device, being an initial participant to the session (Col 2, lines 40-45); the user, using the first device, passes on session joining information to at least one second device (Col 2, lines 45-50, Col 2, lines 65-67); the at least one second device uses the joining information to join the session (Col 2, lines 50-55). Pennock does not explicitly teach of the interfacing handler sends content and/or content references from the content server to the participants in the session. Ogdon teaches on this aspect (Col 15, lines 40-50, fig 1b) wherein the firewall is the interface handler. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Ogdon because this would protect the computer system of the chat host from hackers or external threats. One of ordinary skill in the art at the time of invention would have been motivated because it is desirable to have added security features that protect one's system from unauthorized access as discussed by Ogdon (Col 15, lines 49-50).

7. In regards to claim 2, Pennock does not explicitly teach of the devices register their communication capabilities with the session and the interfacing handler sends content and/or content references from the content server to the devices taking account of their registered capabilities. Ogdon teaches on these aspects (Col 2, lines 58-65, Col 3, lines 30-45 Col 19, lines 20-25, Col 20, lines 19-25). It would have been obvious to

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one of ordinary skill in the art at the time of invention to incorporate the teachings of Ogdon into Pennock's invention because it would have enhance the functionality of Pennock's invention by allowing chat host to communicate with various players based on their system capabilities. One of ordinary skill in the art at the time of invention would have been motivated because it is desirable to have the ability to communicate with all the members of a team as discussed by Pennock (Col 1, lines 20-30).

8. In regards to claim 3, Pennock does not explicitly teach of wherein the interfacing handler sends content from the content server to the at least one second device according to authorization information specified by the user. Ogdon teaches on these aspects (Col 15, lines 40-50, fig 1b, Col 18, lines 50-56). The motivation discussed in claim 1 applies.

9. In regards to claim 4, Pennock does not explicitly teach of wherein the content server provides content in multiple media types and the at least one second is capable of handling one or more media types not handled by the first device. Ogdon teaches on these aspects (Col 2, lines 5-10, Col 3, lines 25-45). The motivation discussed in claim 2 applies.

10. In regards to claim 5, Pennock does not explicitly teach of wherein the interfacing handler is a browser arranged to interpret pages with markup tags provided by the content server. Ogdon implicitly teaches on this aspect. Ogdon teaches on an interfacing handler (firewall) that provides content from a content server (Col 15, lines 40-47). Ogdon teaches of using his invention with the TCP/IP protocol (Col 2, lines 15-20) and teaches of using the HTTP protocol. It is well know in the art that the above-

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mentioned protocols incorporate markup tags. Thus it is obvious to one of ordinary skill in the art that the firewall(interface handler) has the capabilities to interpret pages with markup tags provided by the content server. The motivation discussed in claim 2 applies.

11. In regards to claim 6, Pennock does not explicitly teach of the first device is a voice communication device and the interfacing handler is a multimodal browser capable of handling voice markup pages provided by the content server. Ogdon teaches on these aspects. Ogdon teaches of wherein the first device can be a voice communication device (Col 2, lines 5-10) and teaches wherein the interfacing handler (firewall) is a multimodal browser capable of handling voice markup pages provided by the content server (Col 3, lines 25-45, Col 15, lines 40-50). The motivation discussed in claim 2 applies.

12. In regards to claim 8, Pennock teaches of wherein the first device passes on the joining information using a short-range communication link (Col 6, lines 15-25) wherein the short-range communication link is the LAN.

13. In regards to claim 9, Pennock teaches of wherein each second device is named upon joining the session (Col 2, lines 50-55), wherein the naming is accomplished by assigning each participant a voice chat channel with a name that is known to both the user and the interfacing handler and wherein the interfacing handler is the channel control device.

14. In regards to claim 10, Pennock teaches of wherein the user can communicate with at least one second device via the first device and the interfacing handler (Col 2, lines 45-60, Fig 16-17).

15. In regards to claim 16, Pennock teaches of a session manager operative to set up a communication session with the user device as an initial member (Col 2, lines 29-45), wherein the session manager is the MSN Messenger service, and to pass the user device a session identifier for the session (Col 2, lines 65-67) wherein the session id is the ip address; receiving means for receiving, from a further device, a joining request including said session identifier (Col 2, lines 50-55, Col 3, lines 1-3), the receiving means being operative to pass the request to the session manager, and the session manager being responsive to the request to join the said further device to the communication session (Col 2, lines 50-52). Pennock does not explicitly teach of receiving capability information concerning what types of content the further device can handle and register its capability information, means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device; and means for sending to said further device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type which, according to the device's registered capability information, the further device can handle. Ogdon teaches of receiving capability information concerning what types of content the further device can handle and register its capability information (Col 19, lines 20-25), means for retrieving content from a content server and delivering at least some of that content as voice signals to the user device (Col 2, lines 5-10); and means

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for sending to said further device, whilst joined to the communication session, elements of the said content retrieved from the content server that are of a type which, according to the device's registered capability information, the further device can handle (Col 3, lines 25-45, Col 3, lines 59-65, Col 14, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Ogdon into Pennock's invention because it would have enhance the functionality of Pennock's invention by allowing chat host to communicate with various players based on their system capabilities. One of ordinary skill in the art at the time of invention would have been motivated because it is desirable to have the ability to communicate with all the members of a team as discussed by Pennock (Col 1, lines 20-30).

16. In regards to claim 17, Pennock teaches of a processor for setting up a communication session (Col 2, lines 30-45), assembling session joining data for enabling at least one further device to join the communication session by that device passing the session joining data to the interfacing handler (Col 2, lines 45-50, Col 3, lines 1-3); a transmitter connected to be responsive to the processor for sending the session joining information to at least one of said further device independently of the interfacing handler (Col 2, lines 45-55). Pennock does not explicitly teach of an interfacing handler through which the user device can receive content from a content server. Ogdon teaches on this aspect (Col 15, lines 40-50) wherein the interface handler is the firewall. It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Ogdon because this would protect the computer system of the chat host from hackers or external threats. One of ordinary

skill in the art at the time of invention would have been motivated because it is desirable to have added security features that protect one's system from unauthorized access as discussed by Ogdon (Col 15, lines 49-50).

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock and Ogdon as applied to claim above, and further in view of Wolfe et al hereinafter Wolfe (US 6779025).

18. In regards to claim 7, neither Pennock nor Ogdon teaches wherein the first device is a cellular phone Wolfe teaches on this aspect (Col 6, lines 47-50). The motivation discussed above in claim 2 applies.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

A handwritten signature in black ink, reading "Andrew Caldwell". The signature is fluid and cursive, with a large initial "A" and a long, sweeping underline.

**ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER**